

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

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**FILE:** B-209184**DATE:** October 13, 1982**MATTER OF:** Instrument Control Service**DIGEST:**

Protest of agency's cancellation of solicitation, received in GAO more than 10 working days after notice of cancellation is received by protester is not for consideration because under GAO's Bid Protest Procedures, it is untimely.

Instrument Control Service protests the United States Coast Guard's cancellation after bid opening of invitation for bids No. DTCG29-82-B-06107, which was issued for field maintenance services on an aircraft cockpit training system in Mobile, Alabama. ICS submitted the apparent low bid of two bids received and opened on June 24, 1982.

ICS acknowledges that on September 7 it received a letter from the agency advising that all bids were rejected and that the procurement had been canceled for the reason that no responsive, responsible bid was received. By letter received in our Office on September 23, ICS contends that it is a responsive, responsible bidder.

The protest is dismissed, because it was untimely filed.

Our Bid Protest Procedures provide that we will consider a protest if filed here not later than 10 working days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2) and § 21.0(a) (1982). ICS acknowledges that on September 7, it received notification of the rejection of its bid and the cancellation of the solicitation; however, its protest was not filed with--that is, received by--our Office until September 23, which was beyond the 10-day

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period. See Time Oil Co., B-192180, July 7, 1978, 78-2 CPD 25.

Although the protester also refers to its learning on September 21 that the agency now plans to make a sole-source award instead of recompeting, we read the thrust of the protest to be against the solicitation cancellation and not the sole-source nature of the planned award. Consequently, we view the protest as untimely and will not consider it.

*for* *F. H. Barclay, Jr.*  
Harry R. Van Cleve  
Acting General Counsel